

# **Exhibit D**

**From:** [Born, Natascha](#)  
**To:** [Laura King](#); [Greenfield, Elliot](#)  
**Cc:** [Schlegelmilch, Stephan J](#); [Hahn, Ashley V.](#); [michael@mjllaw.com](#); [sahuja@dmablaw.com](#); [jacabed@mjllaw.com](#); ["William Kraus"](#); [CCording@willkie.com](#); [Andrew Dunlap](#); [Oscar Shine](#); [Stephen Federowicz](#); [Xinchen Li](#); [Isaac Kirschner](#); [Todd M. Schneider](#); [Matthew S. Weiler](#); [Sunny S. Sarkis](#); [Srujana Shivji](#); [Raymond S. Levine](#); [Tegrar, Steven](#); [Greenwell, Barrett J.](#); [Schaper, Michael](#); ["Christopher Beal"](#)  
**Subject:** RE: In re Tether and Bitfinex Crypto Asset Litigation, No. 1:19-cv-09236-KPF  
**Date:** Wednesday, September 11, 2024 11:50:54 AM  
**Attachments:** [Draft Authenticity Stipulation - BT Comments - 2024.09.11.DOCX](#)  
[Authenticity Stipulation - Redline.pdf](#)

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Thanks, Laura. Please see attached a few additional revisions. As you will see, we accepted most of your edits, but we can't agree in advance to reopen discovery.

**Natascha Born** | Associate | Debevoise & Plimpton LLP | [nborn@debevoise.com](mailto:nborn@debevoise.com) | +1 212 909 6821 | 66 Hudson Boulevard, New York, NY 10001 | [www.debevoise.com](http://www.debevoise.com)

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**From:** Laura King <lking@selendygay.com>  
**Sent:** Tuesday, September 10, 2024 2:58 PM  
**To:** Born, Natascha <nborn@debevoise.com>; Greenfield, Elliot <egreenfield@debevoise.com>  
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**Subject:** RE: In re Tether and Bitfinex Crypto Asset Litigation, No. 1:19-cv-09236-KPF

**\*EXTERNAL\***

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Thanks, Natascha. We have revised this draft to reflect the proposed process that we discussed on Friday. Please let us know if Defendants agree.

**Laura King**  
Associate [\[Email\]](#)  
Selendy Gay PLLC [\[Web\]](#)

DRAFT – ~~Plaintiffs~~BT Defendants’ September ~~10~~11, 2024 Comments

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

TETHER AND BITFINEX CRYPTO ASSET  
LITIGATION

No. 19 Civ. 9236 (KPF)

**STIPULATION AND [PROPOSED] ORDER  
REGARDING AUTHENTICITY OF DOCUMENTS**

**WHEREAS**, plaintiffs Matthew Script, Jason Leibowitz, Benjamin Leibowitz, and Pinchas Goldshtein and defendants iFinex, Inc., DigFinex Inc., BFXNA Inc., BFXWW Inc., Tether International Limited, Tether Operations Limited, Tether Holdings Limited, Tether Limited, Ludovicus Jan van der Velde, Giancarlo Devasini (together, the “B/T Defendants”), and Philip G. Potter (collectively, the “Parties,” and each a “Party”), have engaged in discovery proceedings, which included, among other things, producing documents;

**WHEREAS**, the Parties subsequently have produced hundreds of thousands of documents in connection with discovery in this litigation;

**WHEREAS**, the Parties have determined that it is in their mutual interest to avoid the significant expense and unnecessary burden associated with the document-by-document authentication of documents, and that reaching stipulations as to the authenticity of produced data will promote the efficient progress of this litigation;

**IT IS HEREBY STIPULATED AND AGREED**, by the Parties, through their undersigned counsel, as follows:

**Authenticity of Evidence for Class Certification and/or Summary**

**Judgment Briefing**



1. Absent a good faith basis to believe that a document or thing is not what the proponent claims that it is, each Party agrees that, for purposes of any motion for class certification or summary judgment, it will not contest the authenticity of any document or thing (including data) that it has produced in this action under Rule 901 of the Federal Rules of Evidence.

2. In the event that a dispute arises regarding the authenticity of a document to be used in class certification or summary judgment briefing, the Parties agree to meet and confer in good faith promptly about the authenticity of such document(s) and, if necessary, to expedite any related motions for resolution by the Court.

3. The Parties agree that if a Party objects to the authenticity of documents in connection with class certification or summary judgment, the Party seeking to use the document(s) may ~~take discovery or~~ serve Requests For Admission related solely to the authenticity of such documents on an expedited basis, ~~notwithstanding any discovery limits otherwise imposed by the Case Management Order. ECF 564.~~ The Parties reserve all rights to seek to reopen discovery in the event that a dispute regarding the authenticity of a document to be used in connection with class certification or summary judgment arises and reserve all rights to oppose reopening discovery.

#### **Authenticity of Evidence for Trial**

4. Each Party agrees that for purposes of any trial in this action it will not contest the authenticity of any document (including data) that it has produced

in this action under Rule 901 absent facts suggesting that a document is not what the proponent claims that it is.

5. The Parties agree that they will meet and confer 90 days before the due date for the Joint Pretrial Order in order to discuss potential exhibits to be used at trial and a timeline for exchanging exhibit lists in order to ensure sufficient time to resolve disputes regarding authenticity in advance of trial. In the event that a question or dispute arises regarding the authenticity of a document to be used at trial, the Parties agree to meet and confer in good faith promptly about the authenticity of such document(s) and, if necessary, to expedite any related motions for resolution by the Court.

6. The Parties agree that if a Party objects to the authenticity of documents in connection with the Joint Pretrial Order, the Party seeking to admit the document(s) may ~~take discovery or~~ serve Requests For Admission related solely to the authenticity of such documents on an expedited basis prior to trial, ~~notwithstanding any discovery limits otherwise imposed by the Case Management Order. ECF 564.~~ The Parties reserve all rights to seek to reopen discovery in the event that a dispute regarding the authenticity of a document to be used at trial arises and reserve all rights to oppose reopening discovery.

#### **Additional Stipulations and Agreements**

7. Each Party retains the right to object to the admission of any document that any other Party or any third party has produced in this action under Rule 901 of the Federal Rules of Evidence.

8. Each Party retains the right to object to the admission into evidence of any document produced in this action on grounds other than authenticity.

9. Nothing in this stipulation shall be construed as an agreement that any documents or things that are subject to this stipulation are admissible into evidence by any Party, except as expressly addressed herein. The Parties hereby expressly reserve the right to object to the admissibility of any document or thing under any grounds permitted by law and not expressly addressed herein.

10. This Stipulation and Order may be amended only by a subsequent written stipulation among the Parties and upon order of the Court.



/s/ **DRAFT**

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/s/ **DRAFT**

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*Attorneys for Defendant Philip G.  
Potter*

SO ORDERED.

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KATHERINE POLK FAILLA  
United States District Judge

Dated: \_\_\_\_\_, 2024  
New York, New York